

CHARLES T. WRIGHT, ESQ.
Nevada Bar No. 10285
PIET & WRIGHT
3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146
Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

SOLANO, GLORIA

Debtor(s).

CASE NO.: BK-S 09-21207-LBR
IN CHAPTER 13 PROCEEDINGS

2005 NISSAN QUEST MINIVAN

Hearing Date: October 20, 2010

Hearing Time: 10:30 a.m.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COME NOW, GLORIA SOLANO (hereinafter the “Debtor”), by and through her attorney, CHARLES T. WRIGHT, ESQ., of the law firm of PIET & WRIGHT, and respectfully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by **WELLS FARGO DEALER SERVICES, INC. FKA WACHOVIA DEALER SERVICES, INC. A CALIFORNIA CORPORATION, FKA WFS FINANCIAL, INC.**, by and through its attorney, GARY L. COMPTON, as follows:

POINTS AND AUTHORITIES

11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify or condition stay

“for cause, including the lack of adequate protection of an interest in property of such party in interest;---“

PIET & WRIGHT
ATTORNEYS AT LAW
3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146
Telephone: (702) 566-1212
Facsimile: (702) 566-4833

1 11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay
2 “with respect to a stay of an act against property under subsection
(a) of this section, if –

3 (A) the debtors do not have an equity in such property AND

4 (B) such property is not necessary to an effective
5 reorganization”

6 **STATEMENT OF FACTS**

7
8 Debtor’s property has liens of approximately \$12,982.00 for the property
9 described as a 2005 Nissan Quest Minivan.

10 This property is necessary as the Debtors main source of transportation.

11 11 U.S.C. Section 361(1) may apply as:

12 1. Debtors acknowledge that if they are late on the post petition payments,
13 they will need some time to acquire the necessary funds to cure all post-petition
14 arrearages.

15 2. Debtors intentions are to stay current on future post-petition payments.

16 3. This property is subject to setoff to U.S.C. Sections 506 and 1123(b)(5).

17
18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C.
2 Section 362(d)(1) or (2), and that any action on creditor's behalf be stayed for an
3 adequate amount of time to allow Debtors to become current on the post petition
4 arrearages and/or to stipulate to an Adequate Protection Order.
5

6 Dated this 19th day of October, 2010.

7 Respectfully submitted,

8 PIET & WRIGHT

9 By: /s/ Charles T. Wright
10 CHARLES T. WRIGHT, ESQ.
11 Nevada Bar No. 10285
12 3130 S. Rainbow Blvd., Ste. 304
13 Las Vegas, Nevada 89146
14 *Attorney for Debtors*
15
16
17
18
19
20
21
22
23
24
25
26
27
28

P&W PIET & WRIGHT
ATTORNEYS AT LAW
3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146
Telephone: (702) 566-1212
Facsimile: (702) 566-4833